

**MADISON DEPARTMENT OF
POLICE SERVICES
REGULAR MEETING – June 8, 2006
9 CAMPUS DRIVE, MADISON– 7:30 PM**

Attendees: Commissioner Emile Geisenheimer, Commissioner Thomas Cartledge; Commissioner David Smith, Commissioner Michael Rollinson, Commissioner Michael Heaney; Chief Paul Jakobson

Also Present: Members of the community; press; department officers; Noreen Kokoruda, Board of Selectmen Liaison; James Deephouse, Board of Finance Liaison.

CALL TO ORDER

Meeting was called to order at 7:31 PM by Chairman Geisenheimer, followed by the Pledge

PUBLIC COMMENT

Chairman Geisenheimer asked for public comments. There were none.

CONSENT AGENDA

MOTION by Heaney, second by Smith to accept the minutes of the regular meeting of May 11, 2006. All in favor. None opposed. So moved. There was one correction made by Chairman Geisenheimer.

TRAFFIC

Chief Jakobson discussed a request from Richard Chorney of the Grove School requesting a pedestrian crosswalk connecting the residence halls and dining/academic facilities which are on opposite sides of Copse Road. Officer Baxter was asked by the Chief to review this request; he concurs that the crosswalk should be installed. If approved by the Commission, a request will be sent to the town engineer's office. The Chief continued, drivers are obligated to stop for a pedestrian in the crosswalk. Commissioner Rollinson asked if the students will create the crosswalk? The Chief said it is for the town to implement said crosswalk. Commissioner Rollinson asked if this goes for an appropriation? Chief said, no Public Works would have funding for signage and markings in their budget. He doesn't anticipate this to be something that needs a cost estimation. Commissioner Rollinson asked if that is a school zone and if so, does the speed drop to 25 MPH? Chief answer yes, but there is no crosswalk and continued, depending how it is marked, i.e., with a flashing light, a sign states when the light flashes, the speed drops to 25 MPH. The DOT (Department of Transportation) handbook specifies the design of the signs, which would probably be installed after July 1. Commissioner Smith asked if the Police Commission recommends signage? Chief advised, that is contained with the DOT specifications. There are yellow signs on the roadside before the crosswalk area near the Hammonasset Ford.

MOTION by Rollinson, second by Cartledge to approve signage and a crosswalk as requested at Grove School on Copse Road. All in favor. None opposed. So moved.

Chairman Geisenheimer questioned the traffic sensor light on Island Avenue. Officer Baxter wrote that he feels the sensor is working as designed and the delay is not excessive. Chairman Geisenheimer notes there is a 'Do Not Turn on Red' sign from Island Avenue to Rte 1, turning east. If that sign was to be removed, the delay could be alleviated. The Chief said they will make a request to DOT to a) check the electronics for timing and b) check if a crosswalk is needed on the southern side. He further advised that as it is a state road, it requires a request for review to DOT. Mr. Deephouse added, there was once a large tree in that area and because of that tree, no right turn on red was prudent. The tree has been removed. Chief said they will send a letter to DOT.

MOTION by Rollinson, second by Smith to accept the Consent Agenda. All in favor. None opposed. So moved.

OLD BUSINESS

- Overtime Results

Chief Jakubson advised, there has been no authorized additional overtime for the remainder of the fiscal year. He will look at some DUI grant monies to see if additional people can be put on the evening and perhaps day shifts on the weekends to boost the number of officers on the road. It is a 75/25 share reimbursement by the state. Traffic flow has increased and there are more pedestrians. The remaining budget, per the First Selectman has had all accounts frozen. We are being extremely judicious with any vehicle repairs; unless critical and a safety issue, we are holding off.

- Accreditation Process – Status

The Chief reported, the Accreditation Committee continues to meet; he reviewed 6 more policies this week that they submitted to him. While he can't give a Tier 1 accreditation date, he feels it is 6-8 months out as that is the most difficult tier. Lt. Stimpson has spoken with the Ray Bouchard, the accreditation manager. Lt. Stimpson will ask Mr. Bouchard to come down for a preliminary review.

- Radio System – Status

The Chief reported, as it is now, the radio system is functioning fine and all portions of the upgrade have been accomplished. The encryption module has not yet been incorporated because they want to make sure it will not affect normal operations once installed. It is dependent on the digital side of the network; we are maintaining the analog side.

- Staffing Study – Status

Commissioner Smith reported that they are nearing the final stages of fact-gathering and he hopes to be able to make a presentation of the findings – but not the conclusions - at the next meeting. He is trying to align with previous studies. The findings will be presented in July; he is getting all the crime statistics. Commissioner Heaney asked about the nature of the findings. Commissioner Smith said they include, but are not limited to types of calls, staffing, calls for service, frequency of call types and comparisons with other municipalities. Commissioner Heaney commented, the sooner the better to start a formal process of trying to assess what we think about the priorities of the police department and what services overall they should provide to the town. This is different than fact finding. He thinks that is one of the most important paragraphs of the Crockett Report, on page 2-4-9, which strongly suggests this very thing. He read: "In fact, it is difficult and probably impossible to objectively determine valid personnel requirements in the absence of a clear understanding of the mission, purpose, and operational priorities of the Department. This is especially true since there appears to be significant differences of opinion and perspective regarding what the mission and priorities of the Department 'should' be. He continued, he thinks it important to keep that in front of us and perhaps assign it to a standing committee. He has put together two very rough drafts of surveys; one is a survey to be completed by members of the department for their perspectives of aspects of work and the second survey would go to citizens, or a sampling of citizens, to get their feedback on their impressions of the department, of the police commission and what they see as public safety needs and priorities for Madison. This survey would provide relative costs to them as taxpayers and ask what they are willing to pay for such services. Previously, there has not been a comprehensive effort to find out what the public wants.

- Standards of Conduct Manual – Status

Chairman Geisenheimer asked Commissioner Heaney if there is anything new to report, adding, this needs to be bargained with the Union, which does not currently have a contract. Until there is a contract, he would like to take this up at a later date. Commissioner Heaney said while he has nothing new, he would ask to keep it on the agenda. Chief Jakubson suggested keeping it on the agenda and tabling it; he said they realize they need to get the contract in place but by having it remain on the agenda it can be pursued after the contract is signed. Commissioner Heaney said while he agreed with the spirit, he feels there has been some confusion as to who is to move forward. Chief Jakubson advised, there was an MPP (municipal prohibitive practice) that determined that the manual was not an MPP as alleged; the agreement that was signed stated, in essence, the manual needs to be negotiated with the bargaining unit. Chairman

Geisenheimer added, he understands that was never in dispute. Commissioner Heaney answered, if not an MPP, it seems it is a management prerogative. The settlement with the Union seems to say it is all up for grabs. Chief Jakubson added, the language was proctored by Ken Hampton of the State Labor Board who determined the town did not engage in an MPP because the manual was not put into place. Mr. Hampton recommended because it would affect day-to-day working conditions, it should be negotiated. The Chief doesn't believe the intent of Mr. Hampton, town counsel or the Union was to include it in contractual negotiations, but it needs to be discussed. He suggests this stay on the agenda but be tabled; as soon as a contract is agreed upon, a committee can be put together. There has been very good give & take with the Accreditation Committee and he feels this flow can go forward with the Standards of Conduct. Chairman Geisenheimer said a decision was made not to have this on the table at the same time as the contract; it is being held in abeyance deliberately until the contract is negotiated. He feels the Chief's suggestion to table the manual at this time is good. Commissioner Heaney concluded, that is fine with him and is appropriate. When they have the signed contract, then the Commission will take this up. Chief Jakubson added, they need to remember, when they went to binding arbitration last time the town secured a one year agreement which was basically a '0' agreement due to contract expiration; they went right back in negotiations once the contract expired. Chairman Geisenheimer said - they have been in negotiations for 28 months. Chief Jakubson concluded, one year has already passed; once this agreement is settled there are the 3 years remaining. Chairman Geisenheimer agreed with Commissioner Heaney that the Police Commission should be involved.

NEW BUSINESS

Discuss and Take Action on:

- Charter Revision Commission (CRC) Recommendations concerning Police Department Personnel Matters

Chairman Geisenheimer advised, the basis for this topic is how the recommendations affect the Board of Police Commission Vs. the Board of Selectmen and are dealt with. He and Commissioner Smith attended the Board of Selectmen meetings when the CRC report was considered. One item of concern is a recommendation of the CRC that when there is a new chief, the Board of Selectmen should select and appoint that person. Chairman Geisenheimer said, he doesn't think that is appropriate and feels the Board of Police Commission should conduct a search, following their policy and they should select the final candidate. Once the Police Commission has recommended this person, the Board of Selectmen would vote. He continued, he feels there is something wrong with the Board of Selectmen selecting the candidate and managing a department where they have no voice. He doesn't feel the Selectmen should conduct this entire process without the Police Commission; that is not in accord with state statutes. Mrs. Kokoruda said the Selectmen have sent back recommendations; she feels the Board of Selectmen agree with Chairman Geisenheimer in that they do not feel the Selectmen should interview and select the next chief of police; they were talking about the final check & balance on the Board of Police Commission's recommendation. She said there isn't a member of the Board of Selectmen that does not agree with Chairman Geisenheimer.

Chairman Geisenheimer said he thinks it out of line that the Board of Selectmen and the First Selectman could make all personnel decisions as to police officers. Mrs. Kokoruda said they agreed and the Board of Selectmen recommended to the CRC that it [wording] all come out.

Commissioner Heaney added, the final proposal was to give the Board of Selectmen a veto over anyone the Board of Police Commission might appoint. There were not standards? Mrs. Kokoruda said there were none. Commissioner Rollinson asked how can the Selectmen make that decision without interviewing candidates? Commissioner Heaney commented, he would be the first to say, the CRC is a hard working bunch which has dealt with many complex issues; he applauds the Commission. However, their ultimate report is only as good as the facts they have been given. When reading the text that introduces the CRC recommendations about the police work and the Police Commission, it is very sloppy and contains incorrect history, which is unfortunate. The report characterizes the true fact that there has been a lot of disagreement over the past years with tension and friction among boards. What is debatable is, whose fault was it and what were the reasons? The CRC text cites no facts and puts all the blame on the Board of Police. He continued, the report does not detail the history that led to the friction. Commissioner Heaney said he has a high regard for historical evidence but this is revisionist history at its worst. A different

framework could be imposed. He feels only half the story is presented by the CRC in their text. He will try to offer an alternative, evidenced-based history. He does not blame the CRC; they have been given incorrect information. Commissioner Heaney continued, to deal with the tension and friction, the CRC has recommended the hiring of all police officers be turned over the Board of Selectmen. The CRC's recommendation is about who has veto power and to whom it applies. He feels for the Board of Selectmen to have power over the chief of police is unfair. The Police Commission's policy states they have sole power over regulations. Chairman Geisenheimer asked if that means we would write the regulations that are subject? Commissioner Heaney said he thinks the better argument is with the Police Commission having the sole power; he thinks before this goes much further the town should get competent legal opinion from an outside source as to whether this will pass legal muster. We need to adopt a clear set of rules for the foreseeable future. Commissioner Cartledge asked if Commission Heaney has previously seen the rules not being followed by someone outside the purview of the Board of Police Commission? Something that might have had the earlier Board of Police Commission look at these rules? Commissioner Heaney answered yes, the First Selectman attempted to introduce a resolution to the Board of Selectmen appropriating the power to the Board of Selectmen to appoint a new chief. It was tabled because that night the First Selectman didn't have a majority to pass it. Commissioner Heaney continued, there were not three readings; the First Selectman had obtained a legal opinion from town counsel that he could do this; there was strong resistance and the First Selectman backed down. Commissioner Cartledge asked if the Police Commission prevailed? Commissioner Heaney answered, yes and continued, he would like to see the Police Commission hold a public hearing or special meeting regarding the recommendations of the CRC at the next step. He feels they should give the public a chance to weigh in. Chairman Geisenheimer said he feels the issue is, who has the power? He doesn't feel this should be a question; there should be a process to chose the best person for the job. He cannot imagine that this Commission, when it conducted a search with professionals to test, interview, select the best person and make that appointment, that the Board of Selectmen would do anything but, say 'good job'. This is a public process and he can't imagine the Selectmen could or would veto a product of the search committee. It is not a power issue; we need to say, practically speaking, what would the outcome be? Doesn't see a need for a hearing. Mrs. Kokoruda said the point was, the Selectmen wanted to insure with the CRC that there was a diligent and fair process in place. These concerns were based on history – this is a major position in town. She said she wants to feel they are all part of this decision and there would have to be a 'darn good reason' why we wouldn't agree with your search. The chief of police is a senior level town employee and should be treated as other senior level town employees when hired.

Commissioner Heaney commented, the police statutes had a genesis in the hiring of police; cops were being terminated at changes of administration. The statutes were to put some distance between the police and town government. This why this 'power of appointment by state legislature' was developed. Commissioner Cartledge said he agrees with Commissioner Heaney and is also concerned that eventually, a decision would leave the Board of Police Commission agenda and become political, even though the searches have been completed. He feels someone on the Board of Selectmen could say no; it concerns him as well. Chairman Geisenheimer said he can't imagine this Board of Police Commissioners wanting to appoint someone with a strong objection by the Board of Selectmen. Commissioner Cartledge said while he doesn't think the Board of Selectmen would disagree that he hadn't done due diligence, someone could have an agenda which the Police Commission doesn't know about and they could articulate it. Chairman Geisenheimer asked, can you imagine us appointing someone against the objection of the Selectmen? Commissioner Rollinson said he agrees with Mrs. Kokoruda that the chief is a senior position in town and asked, what criteria would be granted to the Selectmen? Mrs. Kokoruda said, there is a very lengthy process and as citizens – they don't make recommendations. Commissioner Heaney said he feels the veto power should have some criteria. Mrs. Kokoruda concluded, she feels the Selectmen can make a change but can't take anything out of the CRC report. Commissioner Heaney reiterated that he feels it is worth having an opportunity for the public to weigh in on the CRC's proposals which affect the Board of Police Commission and the police chief position. Chairman Geisenheimer said he doesn't feel there would be any value in another public hearing; he called for a motion.

MOTION by Heaney to schedule a public hearing limited to a discussion of the CRC's recommendations as they relate to the Board of Police Commission. There was no second; the motion died.

The Chief suggested the Commission file a motion regarding the Standards of Conduct issue.

MOTION by Smith, second by Rollinson to table the Standards of Conduct discussion and have it remain on the monthly agenda under “Old Business”. All in favor. None opposed. So moved.

- Issues Concerning the Future Operation of the Public Safety Dispatch Organization

Chairman Geisenheimer reviewed details from the May 11 meeting whereby one of the dispatchers discussed the transfer, which was characterized as regionalization, of 911 Dispatch from Madison to Guilford. He recapped the presentation of the North Madison (NOMAD) fire chief at a Board of Selectmen meeting in December. To paraphrase Dispatcher Sullivan, if we moved forward to transfer to Guilford, consequences would be negative for police dispatch and other aspects in town with regard to the PSAP (public safety answering point), which is used in 911 dispatching. It had been assumed that 911 PSAP would remain in Madison, even if Dispatch went to Guilford. However, it was discovered that the state would not support the PSAP equipment and the police/town would have to replace this equipment and would not have support of the state. The issue is, we need expertise. He learned, a transfer to Guilford does not meet the regionalization standards of the state. Mr. Pohorilak, the Director of the Office of Statewide Emergency Telecommunications for the Department of Public Safety, said he felt Madison would be moving backwards because fire and ambulance would come out of Guilford; police out of Madison. 911 calls would go to Guilford, back to Madison. If Madison was a secondary PSAP, there would be transfer delays of up to 20 seconds.

Chairman Geisenheimer said he doesn't think we have the expertise to make a decision about the nature of issues, the timeframe and how it should be measured. Feels we need expertise brought to bear. He has met with representatives of Powerphone, a leader in this field, and feels they need to be brought in to assess where we are and where we are going. Chairman Geisenheimer thinks we need a third party objective analysis of the situation rather than concerned individuals who dictate what should occur; they need to remove the emotion. Commissioner Smith added, he sees this as a very complex issue; what is clear is that it is highly emotionally charged. Some of the accusations may or may not be factual; he, too, is a strong proponent of a third party to review. He has also spoken with Mr. Scarpati about this, as has Chairman Geisenheimer. We need an outside analysis and we can then make an informed decision. Commissioner Cartledge said he thinks they were fortunate that the dispatcher (Sullivan) came to the meeting to present the views. He agrees, an outside company to analyze and make recommendations is needed. The financial consequences and bad things happening to those in need must be reviewed. Commissioner Smith said he doesn't know this is politically motivated, but they need to look at the process to be sure they are making an informed decision.

There is significant substance in what the fire departments are proposing but it needs to be researched. Commissioner Heaney asked Mrs. Kokoruda the current status. She said it will be discussed Monday at the Board of Selectmen meeting. It is very emotional, in that it deals with safety, and has taken so long. She continued, they had hoped this could have been handled in town; they let it sit there to work out but it didn't. She said the former Police Commission voted to regionalize (former Police Commission Chairman) Robert Cerosky commented, they said the recommendation was, there was no recommendation, it was too political. Mrs. Kokoruda said, when two former commissioners said they were on board to move, the Board of Selectmen then looked at Westbrook & Guilford. The situation was getting worse.

Mrs. Kokoruda said the fire departments had a second plan and have sat with the town for a “plan for dispatch management effort”. The dispatch union has agreed to be under Ed Brunt and John Bowers as a draft agreement, which doesn't change their conditions of work. Both Mr. Brunt and Mr. Bowers have been told to bring in a consultant

The agreement has to be signed by Ed Brunt and the 2 fire chiefs. Chairman Geisenheimer added, the police are the largest users of dispatch, but have not signed off on this yet. You can't change dispatch without affecting all of dispatch. The Board of Police Commission needs to be at the table for police implications to see what is going to happen at dispatch. It seems for safety reasons, it needs to stay in town. Mrs. Kokoruda will get a copy to Chairman Geisenheimer and discuss it. Chairman Geisenheimer continued, he doesn't feel it is right for anyone other than a consultant to determine the metrics for

measuring performance, not the fire departments, the Selectmen or the fire chiefs. Chief Jakobson commented, it has been said there have been unsafe conditions and the safety of personnel and people in town have been in danger. That is not true – at no time has anyone been placed in danger. For someone to say their personnel have been in danger or not safe – he challenges them and wants them to provide the data. At no time has anyone’s life been placed in danger as a result of dispatch. There have been procedural errors, yes, but they were not in danger. We have a lot of experience and have provided a safe environment. For someone to say their ‘safety has been endangered by what dispatch has done’ shows they don’t have all the facts. Mrs. Kokoruda added, when 60/70 volunteers say there is a safety issue, she has to listen. Commissioner Heaney said it seems procedurally is where there seems to be the problem. Volunteers may think among themselves it is life threatening but that doesn’t mean it is, which is why we need input. Chairman Geisenheimer added, he has reviewed written complaints about dispatch in the last months. He thinks it is fair to say, some of the presentations of those specific instances have been on emotion, which doesn’t mean there isn’t opportunity for improvement. He has observed, there have been efforts made to show improvements; staffing levels are up; training has been increased; protocols have been reviewed. He has observed that positive steps have been taken. The emotion needs to be taken out; that will be done by the consultants. He concluded, he is counting on Mrs. Kokoruda to get the Board of Police Commission involved and added, he hopes the ambulance people are involved as well. Commissioner Heaney stated, he wants the record to show he backs up the Chief and Chairman Geisenheimer. He has looked at background data but he has not detected that anyone’s life or the firefighters lives were in jeopardy. He agrees with the third party expert. Mrs. Kokoruda stated, the first step was bringing Ed Brunt on board - that has been an excellent move.

COMMISSIONER COMMENTS: None

CHAIRMAN COMMENTS: None

MISCELLANEOUS CORRESPONDENCE

Chief Jakobson reviewed letters of commendation for officers (Dobbin and Mulhern) who assisted the Guilford Police Department and from traveling couple praising Dispatcher Soule’s assistance.

EXECUTIVE SESSION

MOTION by Rollinson, second by Smith to adjourn to Executive Session at 9:32 PM to discuss personnel issues. All in favor. None opposed. So moved.

Present in Executive Session:

Commissioner Emile Geisenheimer, Commissioner Thomas Cartledge; Commissioner David Smith, Commissioner Michael Rollinson, Commissioner Michael Heaney; Chief Paul Jakobson

Return to Open Session.

MOTION to adjourn meeting at 9:55 by Geisenheimer, second by Heaney.

Minutes accepted: July 13, 2006 as amended